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application no.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,169	12/12/2001	Mahyar Zardoshti Kermani	LIFE-078	9292
24353 7	2590 01/12/2004		EXAMINER	
BOZICEVIC, FIELD & FRANCIS LLP 200 MIDDLEFIELD RD			BENSON, WALTER	
SUITE 200	TICLD ND		ART UNIT PAPER NUMBER	
MENLO PARI	K, CA 94025		2858	
			DATE MAILED: 01/12/2004	ļ.

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/020,169	KERMANI, MAHYAR ZARDOSHT				
Office Action Summary	Examiner	Art Unit	1			
	Walter Benson	2858	Mh			
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the c	orrespondence addi	ess			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earmed patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply be time y within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE.	nely filed s will be considered timely. the mailing date of this com D (35 U.S.C, § 133).	munication.			
1) Responsive to communication(s) filed on	_ ·					
2a) ☐ This action is FINAL . 2b) ☑ This	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ⊠ Claim(s) <u>1-28</u> is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-28</u> are subject to restriction and/or example.	wn from consideration.					
Application Papers	sionion roquiomonic					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposite and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR				
Priority under 35 U.S.C. §§ 119 and 120						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list 13) Acknowledgment is made of a claim for domestic since a specific reference was included in the first 37 CFR 1.78. a) The translation of the foreign language pro 14) Acknowledgment is made of a claim for domestic reference was included in the first sentence of the	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)). of the certified copies not received c priority under 35 U.S.C. § 119(ext sentence of the specification or visional application has been received c priority under 35 U.S.C. §§ 120	on No d in this National State d.) (to a provisional alin an Application Date eived. and/or 121 since a server	oplication) ata Sheet. specific			
Attachment(s)						
1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	4) Interview Summary (5) Notice of Informal Pa . 6) Other:					

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-25, and 28 are drawn to an apparatus and method for measuring effective capacitance of a biosensor, classified in class 324, subclass 658.
 - II. Claims 26-27, drawn to glucose measurement method for use with a biosensor, classified in class 204, subclass 406.
- 2. Inventions of Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case claims 1, 9 and 20 require filtering the demodulated signal to produce a signal proportional to the effective capacitance across the biosensor cell which is different from that of claims 26 and 27 because the process as claimed can be practiced by another and materially different apparatus such as a photo illumination system to provide a glucose measurement based on the volume of the sample.

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Because these inventions are distinct for the reasons given above and have acquired a 3.

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separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

4. Applicant is advised that a reply to this requirement to be complete must include the

election of the invention to be examined even though the requirement be traversed (37 CRR

1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Walter Benson whose telephone number is (703) 306-4525 or

(571) 272-2227 after 1/27/04. The examiner can normally be reached on Mon to Fri 6:30 AM to

4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, N. Le can be reached on (703) 308-0750. The fax phone number for the organization

where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4900.

Walter Benson W3

Patent Examiner

Supervisory Patent Examiner

Technology Center 2800

January 10, 2004